

Appendix A

Agreements between TVA, TERDA, and TDEC

Agreement Between the Tennessee Elk River Development Agency and the Tennessee Valley Authority, Contract No. TV-27333A, May 17, 1966 - Provided for the parties to engage in a cooperative program of comprehensive, unified resource development for the purpose of fostering the orderly physical, economic, and social development of the Elk River area; and whereas the development of the Elk River Area required the construction of the Tims Ford Dam and Reservoir in order to reduce flooding, and provide a source of water for municipal, industrial, agricultural, and domestic use and a recreation source, and whereas TVA and TERDA acquired certain landrights as determined by TVA to be necessary for the construction and operation of the Tims Ford Dam and Reservoir and such adjoining land and landrights as were determined to be necessary to assure adequate protection, full development, and optimum use of the resources created by the Tims Ford Dam and Reservoir. This contract was supplemented 16 times and was subsequently terminated by the signing of contract TV 50000A.

Agreement Between the Tennessee Elk River Development Agency and the Tennessee Valley Authority, Contract No. TV-50000A, September 18, 1980 - Terminated Contract No. TV-27333A and was signed on September 18, 1980. Established a TVA/TERDA coordination committee continue to cooperate in the development of a comprehensive program of unified resource development for the Elk River area and assure full utilization of the resources of the Tims Ford project. All plans and programs which are developed for such purposes shall be directed towards the physical, economic, and social development of the Elk River area. Such plans will provide water supply for agricultural, industrial, and municipal purposes; the development of water quality control; and the development and use of the reservoir and shoreline lands. Such plans and programs will be subject to requirements deemed necessary by TVA for the proper operation and maintenance of the Tims Ford Dam and Reservoir for flood control and electric power generation; TERDA will be directly responsible for developing, administering, and implementing such plans and programs and the operation and management of the Tims Ford project subject to the terms of this agreement; with the technical advice and assistance of TVA.

Public Chapter No. 816, House Bill No. 2463, An Act to amend Tennessee Code Annotated, Title 4 - On April 26, 1996, the Tennessee General Assembly, by statute, terminated TERDA and transferred all of TERDA's powers, duties, contractual obligations, and functions to TDEC. Public Chapter 816 of the 1996 Acts of the Tennessee General Assembly terminated the activities of the Tennessee Elk River Development Agency. The Act transferred the powers, duties, contractual obligations and functions of TERDA to the Tennessee Department of Environment and Conservation. The property and funds of TERDA were transferred to TDEC. The Act provides that if TDEC sells or leases property, proceeds will be divided between TDEC and the counties identified in Public Chapter 816. A scanned copy Public Chapter 816 follows.

Agreement Between the Tennessee Department of Environment and Conservation and the Tennessee Valley Authority, Contract No. 98RE2-229151, February 10, 1998 - In response to Public Chapter 816 TVA and TDEC entered into a contract to replace Contract No. 5000A. The Contract defines the general responsibilities of the agencies, and provides that they develop a Land Management and Disposition Plan for project lands about the 895-foot msl contour line. Pursuant to the requirements of the Contract the agencies have developed the Draft Plan, which provides the basis for Alternative B discussed herein.

PUBLIC CHAPTER NO. 816

PUBLIC CHAPTER NO. 816
HOUSE BILL NO. 2463

By Representatives Karnali, Garrett, Brooks, Rigsby, White, Beavers, Rhinehart, Lewis, Phillips
Substituted for: Senate Bill No. 2911
By Senators Haynes, Cooper

AN ACT to amend Tennessee Code Annotated, Title 4, relative to boards, commissions and other governmental entities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-224(a), is amended by deleting item (22) in its entirety.

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the Tennessee Elk River Development Agency, created by Section 64-1-301 shall terminate and shall cease all activities on the effective date of this act.

(b) All powers, duties, contractual obligations and functions of the agency are hereby transferred to the Department of Environment and Conservation.

SECTION 3. All funds allotted to and held by the Tennessee Elk River Development Agency shall be distributed as follows:

- (1) All contractual obligations and cooperative agreements with the Tennessee Valley Authority shall be satisfied,
- (2) All administrative costs of the department to operate and maintain two (2) offices to effectuate tile purposes of this act; and
- (3) Any remaining funds shall be distributed to the following counties which are part of the Elk River watershed:
 - (A) Coffee County;
 - (B) Franklin County;
 - (C) Giles County;
 - (D) Grundy County;
 - (E) Lauderdale County, Alabama;
 - (F) Lawrence County;
 - (G) Limestone County, Alabama;
 - (H) Lincoln County;
 - (M) Marshall County; and
 - (N) Moore County.

Such remaining funds shall be distributed to the counties as follows:

The commissioner or his designee, with the assistance of the Comptroller of the Treasury, shall conduct an accounting of all funds transmitted by the Tennessee Elk River Development Agency to the counties in the Elk River watershed from July 1, 1986 to the effective date of this act. The remaining funds shall be distributed to the counties in the Elk River watershed in such amounts so that each county shall have received approximately the same amount of funds from July 1, 1986 through the termination and distribution of the remaining assets of the Tennessee Elk River Development Agency. Such remaining funds shall be distributed to the following counties:

- (A) In Franklin County, a sum sufficient, not to exceed thirty thousand dollars (\$30,000), shall be allotted to construct a building for the volunteer fire department in the community of Broadview. The remaining funds distributed to Franklin County shall be allotted solely for capital projects for educational purposes;
- (B) In Grundy County, all funds shall be allotted solely for new capital projects for educational purposes. No funds received as a result of this act shall be used for repairs or renovations of existing structures;
- (C) In Coffee County, all funds shall be allotted to the nonprofit education foundation program in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the Secretary of State;

(D) In Moore County, fifty percent (50%) of the funds shall be allotted to the Moore County Commission to be used solely for educational purposes for grades K-12, and fifty percent (50%) of the funds shall be allotted to Motlow State Community College to be used solely for such college's nursing program;

(E) In Giles County, fifty percent (50%) of the funds shall be allotted to the nonprofit education foundation program in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the Secretary of State, and fifty percent (50%) of the funds shall be allotted to the industrial development board in Giles County which is chartered by the State of Tennessee;

(F) In Lincoln County, all funds shall be allotted to the Fayetteville/Lincoln industrial development board to be used solely for capital projects.

(G) In Marshall County, all funds shall be allotted solely to the Marshall Education and Communication Center Project in Marshall County; and

(H) In Lawrence County, fifty percent (50%) of the funds shall be allotted to the nonprofit education foundation program in such County which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the Secretary of State, and fifty percent (50%) of the funds shall be allotted to the industrial development board in Lawrence County which is chartered by the State of Tennessee. If no such industrial development board exists, then fifty percent (50%) of the funds shall be allotted to the county's legislative body to be appropriated by such body solely for capital projects to enhance economic development in Lawrence County;

(I) In Lauderdale County, all funds shall be distributed to the Alabama Elk River Development Agency for use in funding area development projects in Lauderdale and Limestone Counties which are jointly approved by the Alabama Elk River Development Agency and the Tennessee Valley Authority; and

(J) In Limestone County, all funds shall be distributed to the Alabama Elk River Development Agency for use in funding area development projects in Lauderdale and Limestone Counties which are jointly approved by the Alabama Elk River Development Agency and the Tennessee Valley Authority.

SECTION 4. All Interests In real property and in water rights held by the Tennessee Elk River Development Agency shall be transferred to the Department of Environment and Conservation. If the Department of Environment and Conservation sells or leases any parcel of land or any other property transferred from the Tennessee Elk River Development Agency, the proceeds of such sales or leases shall be distributed as follows:

- (1) Fifty percent (50%) shall be retained by the department to effectuate the purposes of this act; and
- (2) Fifty percent (50%) shall be distributed among the counties in the manner as described in Section 3 of this act.

SECTION 5. The General Assembly hereby urges the Department of Environment and Conservation to not charge boat dock fees, enhancement fees or development fees as a charge to access to Tims Ford Lake or for the purpose of shoreline improvements as set forth in Tennessee Code Annotated, Section 64-1-303(1)(F).

SECTION 6. The General Assembly urges the department to dispose of all remaining properties belonging to the Tennessee Elk River Development Agency as expeditiously as practicable and lawful.

SECTION 7. Any project initiated by the Tennessee Elk River Development Agency that has received final approval from the Tennessee Valley Authority shall be implemented as provided in the agreements between the parties or any successor of a party.

SECTION 8. Nothing in Sections 4 and 6 of this act, as amended, shall apply to lands held for the purposes authorized by Chapter 528 of the Public Acts of 1993 or for expansion of Tims Ford State Park.

SECTION 9. The General Assembly hereby urges the department to maintain any lands it may acquire pursuant to this act which are not deemed suitable for development as natural habitats for the preservation of game, non-game and endangered wildlife species.

SECTION 10. In addition, the General Assembly urges the department to work with landowners in areas around Tims Ford Lake to ensure that the department has adequate ingress and egress to all its properties and to ensure that the landowners have adequate ingress and egress to their properties.

SECTION 11. The Tennessee Code Commission is hereby directed to make any and all necessary changes to Tennessee Code Annotated to reflect the provisions of this act.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.